

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Laura Bernstein, individually
and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

Extendicare Health Services, Inc.
and Extendicare Homes, Inc.,

Defendants.

Civil No. 08-5874 (DWF/JSM)

**ORDER AND MEMORANDUM ON
MOTION FOR CONTINUANCE
OF DEFENDANTS' MOTION FOR
COSTS AND ATTORNEYS' FEES
PENDING OUTCOME OF PLAINTIFF'S
MOTION FOR RECONSIDERATION**

Brad J. Moore, Esq., Kevin Coluccio, Esq., and Paul L. Stritmatter, Esq., Stritmatter Kessler Whelan Coluccio; David M. Medby, Esq., and Stephen M. Garcia, Esq., The Garcia Law Firm; and Gale D. Pearson, Esq., Kenneth L. LaBore, Esq., Stephen J. Randall, Esq., and Suzanne M. Scheller, Esq., Pearson, Randall & Schumacher, PA, counsel for Plaintiff.

Barbara J. Duffy, Esq., Ryan P. McBride, Esq., and Vicki L. Smith, Esq., Lane Powell PC; and Steven E. Rau, Esq., Flynn Gaskins & Bennett, LLP, counsel for Defendant.

Based upon Plaintiff's Motion for Continuance of Defendants' Motion for Costs and Attorneys' Fees dated April 13, 2009, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 6.1 (Doc. No. 45), **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion is **DENIED**.

Dated: April 21, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court

MEMORANDUM

At present, the Court has granted leave to file a motion for reconsideration to the Plaintiff as to two issues. In addition, the Defendants have filed a motion requesting costs and attorneys' fees. Plaintiff has asked this Court for a continuance of the Defendants' motion in light of the Court's decision to allow a motion for reconsideration to be filed.

The hearing on Defendants' motion is scheduled for May 29, 2009, and Defendants rightly note that given the briefing schedule established by the Court, briefing regarding the motion for reconsideration will be complete before then. Further, if the Court decides to hear oral argument regarding the motion for reconsideration, it could do so at the hearing on May 29, obviating the need for an additional hearing in this matter. The Court has, therefore, determined that it should deny the motion for a continuance in order to proceed most efficiently with this matter.

D.W.F.